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Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Australia, Brazil, Canada, Chile, Iceland, Micronesia (Federated States of), New Zealand, Norway and the United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its annual resolutions on sustainable fisheries, including resolution 65/38 of 7 December 2010, and other relevant resolutions,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[1] and bearing in mind the relationship between the Convention and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[2]

Welcoming the recent ratifications of and accessions to the Agreement and the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, as well as subregional and regional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] Ibid., vol. 2167, No. 37924.

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Welcoming also the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries and the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted on 12 March 2005,[3] and recognizing that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[4] and other related instruments, including its international plans of action, set out principles and global standards of behaviour for responsible practices for conservation of fisheries resources and the management and development of fisheries,

Welcoming further the outcomes, including the decisions and recommendations, of the twenty-ninth session of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, held in Rome from 31 January to 4 February 2011,[5]

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by, inter alia, unreported and misreported fish catch and fishing effort and that this lack of accurate data contributes to overfishing in some areas,

Recognizing the significant contribution of sustainable fisheries to food security, income, wealth and poverty alleviation for present and future generations,

Welcoming in this regard the decision of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its twenty-ninth session that the Food and Agriculture Organization of the United Nations should develop a new international instrument on small-scale fisheries that would draw on relevant existing instruments, complementing the Code, and that should be voluntary in nature and focus on the needs of developing countries,

Recognizing the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of the precautionary approach and ecosystem approaches,

Expressing concern over the current and projected adverse effects of climate change on food security and the sustainability of fisheries, and noting in that regard the work of the Intergovernmental Panel on Climate Change, the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, as a result of, inter alia, illegal, unreported and unregulated fishing, inadequate flag State control and enforcement, including monitoring, control and surveillance measures, inadequate regulatory measures, harmful fisheries subsidies and overcapacity, as well as inadequate port

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[3] Food and Agriculture Organization of the United Nations, *Outcome of the Ministerial Meeting on Fisheries, Rome, 12 March 2005* (CL 128/INF/11), appendix B.

[4] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[5] See Food and Agriculture Organization of the United Nations, *Report of the twenty-ninth session of the Committee on Fisheries, Rome, 31 January -4 February 2011*, FAO Fisheries and Aquaculture Report No. 973 (FIPI/R973 (En)).

State control, as highlighted in the report of the Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture 2010*,[6]

Expressing its support for the ongoing negotiations in the World Trade Organization to strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing,

Concerned that a limited number of States have taken measures to implement, individually and through regional fisheries management organizations and arrangements, the International Plan of Action for the Management of Fishing Capacity adopted by the Food and Agriculture Organization of the United Nations,[7]

Recalling the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, adopted by the Food and Agriculture Organization of the United Nations,[7]

Particularly concerned that illegal, unreported and unregulated fishing constitutes a serious threat to fish stocks and marine habitats and ecosystems, to the detriment of sustainable fisheries, as well as the food security and the economies of many States, particularly developing States,

Concerned that some operators increasingly take advantage of the globalization of fishery markets to trade fishery products stemming from illegal, unreported and unregulated fishing and make economic profits from those operations, which constitutes an incentive for them to pursue their activities,

Recognizing that effective deterrence and combating of illegal, unreported and unregulated fishing has significant financial and other resource implications,

Recognizing also the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[8] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag, and vessels flying their flag which provide support to fishing vessels, to ensure that the activities of such fishing and support vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recognizing further the importance of adequately regulating, monitoring and controlling trans-shipment at sea to contribute to combating illegal, unreported and unregulated fishing activities,

Acknowledging the convening by the Food and Agriculture Organization of the United Nations of the Technical Consultation on Flag State Performance, held in Rome from 2 to 6 May 2011, and noting the resumption of the Technical Consultation, to be held in Rome from 5 to 9 March 2012,

Noting the obligation of all States, in accordance with international law, as reflected in the relevant provisions of the Convention, to cooperate in the conservation and management of living marine resources, and recognizing the importance of coordination and cooperation at the global, regional, subregional as

[6] Available from www.fao.org/corp/publications/en.

[7] Available from www.fao.org/fishery/publications/en.

[8] United Nations, *Treaty Series*, vol. 2221, No. 39486.

well as national levels in the areas, inter alia, of marine scientific research, data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Welcoming the holding of the third joint meeting of the five regional fisheries management organizations with competence to regulate highly migratory species in La Jolla, United States of America, from 12 to 14 July 2011,

Acknowledging the importance of ocean data buoy systems moored in areas beyond national jurisdiction to sustainable development, promoting safety at sea and limiting human vulnerability to natural disasters, due to their use in weather and marine forecasts, fisheries management, tsunami forecasts and climate prediction, and expressing concern that most damage to ocean data buoys, such as moored buoys and tsunameters, frequently results from actions taken by some fishing operations which render the buoys inoperable,

Welcoming in this regard the adoption of measures by States, individually or through regional fisheries management organizations and arrangements, to protect ocean data buoy systems from the impacts of fishing activities,

Recognizing the need for States, individually and through regional fisheries management organizations and arrangements, to continue to develop and implement, consistent with international law, effective port State measures to combat overfishing and illegal, unreported and unregulated fishing, the critical need for cooperation with developing States to build their capacity, and the importance of cooperation between the Food and Agriculture Organization of the United Nations and the International Maritime Organization in this regard,

Noting with satisfaction the recent ratification of, accessions to and approval of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing,[9]

Welcoming the decision of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its twenty-ninth session that the Food and Agriculture Organization of the United Nations should form an open-ended working group or similar mechanism to draft terms of reference for the ad hoc working group envisioned in article 21 of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing,

Welcoming also the convening of the third Global Fisheries Enforcement Training Workshop, held in Maputo from 28 February to 4 March 2011,

Concerned that marine pollution from all sources constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine and coastal habitats and has significant costs to local and national economies,

Recognizing that marine debris is a global transboundary pollution problem and that, due to the many different types and sources of marine debris, different approaches to their prevention and removal are necessary,

Noting that the contribution of sustainable aquaculture to global fish supplies continues to respond to opportunities in developing countries to enhance local food

[9] Food and Agriculture Organization of the United Nations, *Report of the Conference of FAO, Thirty-sixth Session, Rome, 18-23 November 2009* (C 2009/REP and Corr.1), appendix E.

security and poverty alleviation and, together with the efforts of other aquaculture producing countries, will make a significant contribution to meeting future demands in fish consumption, bearing in mind article 9 of the Code,

Reaffirming the importance of sustainable aquaculture to food security, and being concerned about the potential effects of genetically engineered aquatic fish species on the health and sustainability of wild fish stocks,

Welcoming the approval of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its twenty-ninth session of Technical Guidelines on Aquaculture Certification,[10]

Noting the publication in 2011 by the Food and Agriculture Organization of the United Nations of Technical Guidelines on the Use of Wild Fish as Feed in Aquaculture,[11]

Calling attention to the particular vulnerabilities of small island developing States, other developing coastal States and subsistence fishing communities whose livelihoods, economic development and food security are heavily dependent on sustainable fisheries and who will disproportionately suffer if sustainable fisheries are negatively affected,

Calling attention also to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building, including the transfer of marine technology and in particular fisheries-related technology, to enhance the ability of such States to exercise their rights to realize the benefits from fisheries resources and fulfil their obligations under international instruments,

Recognizing the need for appropriate measures to minimize by-catch, waste, discards, including high-grading, loss of fishing gear and other factors which adversely affect the sustainability of fish stocks and can consequently also have harmful effects on the economies and food security of small island developing States, other developing coastal States, and subsistence fishing communities,

Welcoming the International Guidelines on By-catch Management and Reduction of Discards,[12]

Recognizing the need to further integrate ecosystem approaches into fisheries conservation and management and, more generally, the importance of applying ecosystem approaches to the management of human activities in the ocean, and noting in this regard the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem,[13] the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management and the importance of this approach to relevant provisions of the Agreement and the Code, as well as decision VII/11[14] and other

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[10] Available from http://www.fao.org/fishery/about/cofi/aquaculture/en.

[11] Available from www.fao.org/docrep/014/i917e/i917e00.pdf.

[12] See report of the Technical Consultation to Develop International Guidelines for By-catch Management and Reduction of Discards, Rome, FAO Fisheries and Aquaculture Report No. 957, appendix E (Rome, FAO, 2010).

[13] E/CN.17/2002/PC.2/3, annex.

[14] See United Nations Environment Programme, document UNEP/CBD/COP/7/21, annex.

relevant decisions of the Conference of the Parties to the Convention on Biological Diversity,

Recognizing also the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to overexploitation, the fact that some are threatened with extinction, the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries, and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999,[7] in providing guidance on the development of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant subregional and regional fisheries management organizations and arrangements on the conservation and management of sharks, and noting with concern that basic data on shark stocks and harvests continue to be lacking, that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks, and that not all regional fisheries management organizations and arrangements have adopted conservation and management measures for directed shark fisheries and for the regulation of by-catch of sharks from other fisheries,

Welcoming science-based measures taken by States to conserve and sustainably manage sharks, and noting in this respect management measures taken by coastal States, including, inter alia, limits on catch or fishing effort, technical measures, including by-catch reduction measures, sanctuaries, closed seasons, and monitoring, control and surveillance,

Recognizing the importance of marine species occupying low trophic levels in the ecosystem and for food security, and the need to ensure their long-term sustainability,

Expressing concern over continued incidental mortality, in fishing operations, of seabirds, particularly albatrosses and petrels, as well as other marine species, including sharks, fin-fish species, marine mammals and marine turtles, while recognizing considerable efforts by States and through various regional fisheries management organizations and arrangements to reduce incidental mortality as a result of by-catch,

I
Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[1] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[2]

2. *Encourages* States to give due priority to the implementation of the Plan of Implementation of the World Summit on Sustainable Development

("Johannesburg Plan of Implementation")[15] in relation to achieving sustainable fisheries, especially restoring depleted stocks to levels that can produce maximum sustainable yield on an urgent basis and, where possible, not later than 2015;

3. *Emphasizes* the importance of addressing the sustainable development of fisheries in the context of the United Nations Conference on Sustainable Development, to be held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, and recognizing the significant contribution of fisheries to the three pillars of sustainable development;

4. *Urges* States, either directly or through appropriate subregional, regional or global organizations or arrangements, to intensify efforts to assess and address, as appropriate, the impacts of global climate change on the sustainability of fish stocks and the habitats that support them, in particular the most affected ones;

5. *Emphasizes* the obligations of flag States to discharge their responsibilities, in accordance with the Convention and the Agreement, to ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas;

6. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

7. *Also calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply widely, in accordance with international law and the Code,[4] the precautionary approach and ecosystem approaches to the conservation, management and exploitation of fish stocks, and also calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

8. *Encourages* States to increase their reliance on scientific advice in developing, adopting and implementing conservation and management measures, and to increase their efforts to promote science for conservation and management measures, including through international cooperation, that apply, in accordance with international law, the precautionary approach and ecosystem approaches to fisheries management, enhancing understanding of ecosystem approaches, in order to ensure the long-term conservation and sustainable use of marine living resources, and in this regard encourages the implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries of the Food and Agriculture Organization of the United Nations[16] as a framework for the improvement and understanding of fishery status and trends;

9. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply stock-specific precautionary reference

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[15] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[16] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24-25 February 2003*, FAO fisheries Report No. 702 (FIPL/R702 (En)), appendix H.

points, as described in Annex II to the Agreement and in the Code, to ensure that populations of harvested stocks, and, where necessary, associated or dependent species, are maintained at, or restored to, sustainable levels, and to use these reference points for triggering conservation and management action;

10. *Encourages* States to apply the precautionary approach and ecosystem approaches in adopting and implementing conservation and management measures addressing, inter alia, by-catch, pollution and overfishing, and protecting habitats of specific concern, taking into account existing guidelines developed by the Food and Agriculture Organization of the United Nations;

11. *Also encourages* States to enhance or develop observer programmes individually or through regional fisheries management organizations or arrangements in order to improve data collection on, inter alia, target and by-catch species, which could also assist monitoring, control and surveillance tools, and to take into account standards, forms of cooperation and other existing structures for such programmes as described in article 25 of the Agreement and article 5 of the Code;

12. *Calls upon* States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations required catch and effort data, and fishery-related information, in a complete, accurate and timely way, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas fish stocks, and by-catch and discards and, where they do not exist, to establish processes to strengthen data collection and reporting by members of regional fisheries management organizations and arrangements, including through regular reviews of member compliance with such obligations, and, when such obligations are not met, require the member concerned to rectify the problem, including through the preparation of plans of action with timelines;

13. *Invites* States and regional fisheries management organizations and arrangements to cooperate with the Food and Agriculture Organization of the United Nations in the implementation and further development of the Fisheries Resources Monitoring System initiative;

14. *Reaffirms* paragraph 10 of resolution 61/105 of 8 December 2006, and calls upon States, including through regional fisheries management organizations or arrangements, to urgently adopt measures to fully implement the International Plan of Action for the Conservation and Management of Sharks[7] for directed and non-directed shark fisheries, based on the best available scientific information, through, inter alia, limits on catch or fishing effort, by requiring that vessels flying their flag collect and regularly report data on shark catches, including species-specific data, discards and landings, undertaking, including through international cooperation, comprehensive stock assessments of sharks, reducing shark by-catch and by-catch mortality and, where scientific information is uncertain or inadequate, not increasing fishing effort in directed shark fisheries until measures have been established to ensure the long-term conservation, management and sustainable use of shark stocks and to prevent further declines of vulnerable or threatened shark stocks;

15. *Calls upon* States to take immediate and concerted action to improve the implementation of, and compliance with, existing regional fisheries management

organization or arrangement and national measures that regulate shark fisheries and incidental catch of sharks, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached;

16. *Also calls upon* regional fisheries management organizations with the competence to regulate highly migratory species to strengthen or establish precautionary, science-based conservation and management measures, as appropriate, for sharks taken in fisheries within their convention areas consistent with the International Plan of Action for the Conservation and Management of Sharks;

17. *Welcomes* the decision of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its twenty-ninth session that the Food and Agriculture Organization of the United Nations should prepare a report on the extent of the implementation of the International Plan of Action for the Conservation and Management of Sharks and requests the Food and Agriculture Organization of the United Nations to also report on the challenges being faced by its Members in implementing that instrument and paragraph 14 of the present resolution;

18. *Urges* States to eliminate barriers to trade in fish and fisheries products which are not consistent with their rights and obligations under the World Trade Organization agreements, taking into account the importance of the trade in fish and fisheries products, particularly for developing countries;

19. *Also urges* States and relevant international and national organizations to provide for the participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries resources;

20. *Encourages* States, either directly or through competent and appropriate subregional, regional or global organizations and arrangements, to analyse, as appropriate, the impact of fishing for marine species occupying low trophic levels;

21. *Invites* the Food and Agriculture Organization of the United Nations to consider the potential effects of genetically engineered fish species on the health and sustainability of wild fish stocks and to provide guidance, consistent with the Code, on minimizing harmful impacts in this regard;

II
Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

22. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

23. *Also calls upon* States parties to the Agreement to effectively implement, as a matter of priority, the provisions of the Agreement through their domestic

legislation and through regional fisheries management organizations and arrangements in which they participate;

24. *Emphasizes* the importance of those provisions of the Agreement relating to bilateral, subregional and regional cooperation in enforcement, and urges continued efforts in this regard;

25. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant subregional or regional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same subregion or region of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

26. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

27. *Invites* regional fisheries management organizations and arrangements which have not yet done so to adopt procedures for high seas boarding and inspection that are consistent with articles 21 and 22 of the Agreement;

28. *Calls upon* States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements with competence over discrete high seas fish stocks, to adopt the necessary measures to ensure the long-term conservation, management and sustainable use of such stocks in accordance with the Convention and consistent with the Code and the general principles set forth in the Agreement;

29. *Invites* States to assist developing States in enhancing their participation in regional fisheries management organizations or arrangements, including by facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25, paragraph 1 (b), of the Agreement, taking into account the need to ensure that such access benefits the developing States concerned and their nationals;

30. *Also invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of fisheries resources;

31. *Notes with appreciation* the contributions made by States to the Assistance Fund established under Part VII of the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions and non-governmental organizations, as well as natural and juridical persons, to make further voluntary financial contributions to the Fund;

32. *Notes with satisfaction* that the Food and Agriculture Organization of the United Nations and the Division for Ocean Affairs and the Law of the Sea of the

Office of Legal Affairs of the Secretariat ("the Division") have taken measures to publicize the availability of assistance through the Assistance Fund, and encourages the Organization and the Division to continue their efforts in this regard;

33. *Encourages* accelerated progress by States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements, regarding the recommendations of the Review Conference on the Agreement, held in New York from 22 to 26 May 2006,[17] and the identification of emerging priorities;

34. *Also encourages* States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements, to consider implementing, as appropriate, the recommendations of the resumed Review Conference, held in New York from 24 to 28 May 2010;[18]

35. *Reaffirms its request* that the Food and Agriculture Organization of the United Nations initiate arrangements with States for the collection and dissemination of data on fishing in the high seas by vessels flying their flag at the subregional and regional levels where no such arrangements exist;

36. *Also reaffirms its request* that the Food and Agriculture Organization of the United Nations revise its global fisheries statistics database to provide information on straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks on the basis of where the catch is taken;

III
Related fisheries instruments

37. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[8] and urges continued efforts in this regard;

38. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

39. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

40. *Also urges* States to develop and implement, as a matter of priority, national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

41. *Encourages* the development of best practice guidelines for safety at sea in connection with marine fisheries by the competent international organizations;

42. *Also encourages* widespread participation at the diplomatic conference convened by the International Maritime Organization in South Africa in 2012 for the purpose of adopting an agreement on the implementation of the 1993 Protocol

[17] See A/CONF.210/2006/15, annex.
[18] See A/CONF.210/2010/7, annex.

relating to the 1977 Torremolinos International Convention for the Safety of Fishing Vessels;

IV
Illegal, unreported and unregulated fishing

43. *Emphasizes once again its serious concern* that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, as well as the food security and the economies of many States, particularly developing States, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;[7]

44. *Urges* States to exercise effective control over their nationals, including beneficial owners, and vessels flying their flag, in order to prevent and deter them from engaging in illegal, unreported and unregulated fishing activities or supporting vessels engaging in illegal, unreported and unregulated fishing activities, including those vessels listed by regional fisheries management organizations or arrangements as engaged in those activities, and to facilitate mutual assistance to ensure that such actions can be investigated and proper sanctions imposed;

45. *Also urges* States to take effective measures, at the national, subregional, regional and global levels, to deter the activities, including illegal, unreported and unregulated fishing, of any vessel which undermines conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with international law;

46. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

47. *Urges* States, individually and collectively through regional fisheries management organizations and arrangements, to develop appropriate processes to assess the performance of States with respect to implementing the obligations regarding fishing vessels flying their flag set out in relevant international instruments;

48. *Encourages* States within the Food and Agriculture Organization of the United Nations to continue the work of the Technical Consultation on Flag State Performance with regard to the draft criteria for flag State performance, assessing flag State performance and possible actions in accordance with international law to encourage compliance, and assistance to developing countries to improve their performance as flag States;

49. *Reaffirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the subregional and regional levels, in the management of fish stocks and in combating illegal,

unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to collaborate in efforts to address these types of fishing activities;

50. *Urges* regional fisheries management organizations and arrangements to further coordinate measures for combating illegal, unreported and unregulated fishing activities, such as through the development of a common list of vessels identified as engaged in illegal, unreported and unregulated fishing or the mutual recognition of the illegal, unreported and unregulated vessel lists established by each organization or arrangement;

51. *Reaffirms its call upon* States to take all necessary measures consistent with international law, without prejudice to a State's sovereignty over ports in its territory and to reasons of force majeure or distress, including the prohibition of vessels from accessing their ports followed by a report to the flag State concerned, when there is clear evidence that they are or have been engaged in or have supported illegal, unreported and unregulated fishing, or when they refuse to give information either on the origin of the catch or on the authorization under which the catch has been made;

52. *Also reaffirms* paragraph 48 of resolution 65/38 with regard to eliminating illegal, unreported and unregulated fishing by vessels flying "flags of convenience" and requiring that a "genuine link" be established between States and fishing vessels flying their flags, and urges States operating open registry to effectively control all fishing vessels flying their flag, as required by international law, or otherwise stop open registry for fishing vessels;

53. *Recognizes* the need for enhanced port State measures to combat illegal, unreported and unregulated fishing, and urges States to cooperate, in particular at the regional level and through subregional and regional fisheries management organizations and arrangements, to adopt all necessary port measures, consistent with international law taking into account article 23 of the Agreement, and to further promote the development and application of standards at the regional level;

54. *Encourages*, in this regard, States and regional economic integration organizations that have not yet done so to consider ratifying, accepting, approving or acceding to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations[9] with a view to its early entry into force;

55. *Also encourages* strengthened collaboration between the Food and Agriculture Organization of the United Nations and the International Maritime Organization, taking into account the respective competencies, mandates and experience of the two organizations, to combat illegal, unreported and unregulated fishing, particularly in improving the implementation of flag State responsibilities and port State measures;

56. *Further encourages* States, with respect to vessels flying their flag, and port States, to make every effort to share data on landings and catch quotas, and in this regard encourages regional fisheries management organizations and arrangements to consider developing open databases containing such data for the purpose of enhancing the effectiveness of fisheries management;

57. *Calls upon* States to take all necessary measures to ensure that vessels flying their flag do not engage in trans-shipment of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing, through adequate regulation, monitoring and control of trans-shipment of fish at sea, including through additional national measures applicable to vessels flying their flag to prevent such trans-shipment;

58. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in World Trade Organization agreements, as called for in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

59. *Encourages* information-sharing regarding emerging market- and trade-related measures by States and other relevant actors with appropriate international forums, given the potential implications of these measures for all States, consistent with the established plan of work of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, and taking into account the Technical Guidelines for Responsible Fish Trade of the Food and Agriculture Organization of the United Nations;[19]

60. *Notes* the concerns about possible connections between international organized crime and illegal fishing in certain regions of the world, and encourages States, including through the appropriate international forums and organizations, to study the causes and methods of and contributing factors to illegal fishing to increase knowledge and understanding of those possible connections, and to make the findings publicly available, and in this regard takes note of the study "Transnational Organized Crime in the Fishing Industry" by the United Nations Office on Drugs and Crime,[20] bearing in mind the distinct legal regimes and remedies under international law applicable to illegal fishing and international organized crime;

V
Monitoring, control and surveillance and compliance and enforcement

61. *Calls upon* States, in accordance with international law, to strengthen implementation of or, where they do not exist, adopt comprehensive monitoring, control and surveillance measures and compliance and enforcement schemes individually and within those regional fisheries management organizations or arrangements in which they participate, in order to provide an appropriate framework for promoting compliance with agreed conservation and management measures, and further urges enhanced coordination among all relevant States and regional fisheries management organizations and arrangements in these efforts;

62. *Encourages* further work by competent international organizations, including the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements, to develop guidelines on flag State control of fishing vessels;

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[19] Available from www.fao.org/fishery/publications/technical-guidelines/en.

[20] Available from www.unodc.org/unodc/en/human-trafficking/2011/issue-paper-transnational-organized-crme-in-the-fishing-industry.html.

63. *Urges* States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems, in particular to require that vessel monitoring systems be carried by all vessels fishing on the high seas as soon as practicable, recalling that paragraph 62 of resolution 63/112 of 5 December 2008 urged that large-scale fishing vessels be required to carry vessel monitoring systems no later than December 2008, and to share information on fisheries enforcement matters;

64. *Calls upon* States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within the areas covered by relevant regional fisheries management organizations and arrangements in order to promote compliance with conservation and management measures and to identify products from illegal, unreported and unregulated catches, and encourages improved coordination among all States and regional fisheries management organizations and arrangements in sharing and using this information, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

65. *Encourages* the Food and Agriculture Organization of the United Nations, in cooperation with States, regional economic integration organizations, the International Maritime Organization and, as appropriate, regional fisheries management organizations and arrangements, to expedite efforts to develop and manage a comprehensive global record, including with a unique vessel identifier system;

66. *Requests* States and relevant international bodies to develop, in accordance with international law, more effective measures to trace fish and fishery products to enable importing States to identify fish or fishery products caught in a manner that undermines international conservation and management measures agreed in accordance with international law, taking into account the special requirements of developing States and the forms of cooperation with developing States as set out in article 25 of the Agreement, and at the same time to recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code, for fish and fishery products caught in a manner that is in conformity with such international measures;

67. *Also requests* States to take the necessary measures, consistent with international law, to help to prevent fish and fishery products caught in a manner that undermines applicable conservation and management measures adopted in accordance with international law from entering international trade;

68. *Invites* the Food and Agriculture Organization of the United Nations to report on the state of progress in the development of best practice guidelines for catch documentation schemes and traceability, for inclusion in the report of the Secretary-General on fisheries to the General Assembly at its sixty-seventh session;

69. *Encourages* States to establish and undertake cooperative surveillance and enforcement activities in accordance with international law to strengthen and enhance efforts to ensure compliance with conservation and management measures, and prevent and deter illegal, unreported and unregulated fishing;

70. *Urges* States, directly and through regional fisheries management organizations or arrangements, to develop and adopt effective monitoring, control and surveillance measures for trans-shipment, as appropriate, in particular at-sea trans-shipment, in order to, inter alia, monitor compliance, collect and verify fisheries data and to prevent and suppress illegal, unreported and unregulated fishing activities, in accordance with international law and, in parallel, to encourage and support the Food and Agriculture Organization of the United Nations in studying the current practices of trans-shipment and produce a set of guidelines for this purpose;

71. *Expresses its appreciation* for financial contributions from States to improve the capacity of the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, and encourages States to join and actively participate in the Network and to consider supporting, when appropriate, its transformation in accordance with international law into an international unit with dedicated resources to further assist Network members, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

VI
Fishing overcapacity

72. *Calls upon* States to commit themselves to urgently reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainable management of fish stocks, including those areas where fish stocks are overexploited or in a depleted condition, and recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the Code, and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity;[7]

73. *Reiterates its call upon* States, individually and through regional fisheries management organizations and arrangements, to ensure that the urgent actions required in the International Plan of Action for the Management of Fishing Capacity are undertaken expeditiously and that its implementation is facilitated without delay;

74. *Invites* the Food and Agriculture Organization of the United Nations to report on the state of progress in the implementation of the International Plan of Action for the Management of Fishing Capacity, as provided for in paragraph 48 of the Plan of Action;

75. *Calls upon* States individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements with competence to regulate highly migratory species, urgently to address global fishing capacity for tunas, inter alia, in a way that recognizes the legitimate rights of developing States, in particular small island developing States, to participate in and benefit from such fisheries, taking into account the recommendations of the Joint Tuna Regional Fisheries Management Organizations International Workshop on RFMO Management of Tuna Fisheries, held in Brisbane, Australia, from 29 June to 1 July

2010 and the recommendations of the third joint meeting of tuna regional fisheries management organizations and arrangements, held in La Jolla, United States of America, from 12 to 14 July 2011;

76. *Encourages* those States which are cooperating to establish subregional and regional fisheries management organizations and arrangements, taking into account the best scientific information available as well as the precautionary approach, to exercise voluntary restraint of fishing effort levels in those areas that will come under the regulation of the future organizations and arrangements until adequate regional conservation and management measures are adopted and implemented, taking into account the need to ensure the long-term conservation, management and sustainable use of the relevant fish stocks and to prevent significant adverse impacts on vulnerable marine ecosystems;

77. *Urges* States to eliminate subsidies that contribute to overfishing and overcapacity and to illegal, unreported and unregulated fishing, including by accelerating work to complete World Trade Organization negotiations on fisheries subsidies in accordance with the 2001 Doha Ministerial Declaration[21] to clarify and improve and the 2005 Hong Kong Ministerial Declaration[22] to strengthen disciplines on fisheries subsidies, taking into account the importance of the fisheries sector to developing countries;

VII
Large-scale pelagic drift-net fishing

78. *Expresses concern* that, despite the adoption of General Assembly resolution 46/215 of 20 December 1991, the practice of large-scale pelagic drift-net fishing still exists and remains a threat to marine living resources;

79. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the provisions of resolution 46/215 and subsequent resolutions on large-scale pelagic drift-net fishing in order to eliminate the use of large-scale pelagic drift nets in all seas and oceans, which means that efforts to implement resolution 46/215 should not result in the transfer to other parts of the world of drift nets that contravene the resolution;

80. *Also urges* States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the present global moratorium on the use of large-scale pelagic drift nets on the high seas, and calls upon States to ensure that vessels flying their flag that are duly authorized to use large-scale drift nets in waters under their national jurisdiction do not use such gear for fishing while on the high seas;

81. *Reaffirms* the request in paragraph 6 of resolution 46/215 for the submission of information to the Secretary-General and requests the Secretary-General to include this information in his report to the General Assembly at its sixty-seventh session;

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[21] A/C.2/56/7, annex.

[22] World Trade Organization, document WT/MIN(05)/DEC. Available from http://docsonline.wto.org.

VIII
Fisheries by-catch and discards

82. *Urges* States, subregional and regional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action, including with consideration of the interests of developing coastal States and, as appropriate, subsistence fishing communities, to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring the confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish, and to ensure that these measures are implemented so as to optimize their effectiveness;

83. *Calls upon* States, either individually, collectively or through regional management organizations and arrangements, to further study, develop and adopt effective management measures, taking into account the best available scientific information on fishing methods, including fish aggregating devices, to minimize by-catch;

84. *Urgently calls upon* States, subregional and regional fisheries management organizations and arrangements and, where appropriate, other relevant international organizations to develop and implement effective management measures to reduce the incidence of catch of non-target species, including the utilization of selective fishing gear, where appropriate;

85. *Calls upon* States, subregional and regional fisheries management organizations and arrangements to adopt or improve measures to assess the impact of their fisheries on species caught as by-catch and to improve the comprehensiveness and accuracy of information and reporting on incidental catch of species caught as by-catch, including through adequate observer coverage and the use of modern technologies, and to provide assistance to developing States to meet data collection and reporting obligations;

86. *Requests* States and regional fisheries management organizations and arrangements, as appropriate, to strengthen or establish data-collection programmes to obtain reliable estimates of shark, marine turtle, fin-fish, marine mammal and sea bird by-catch, and to promote further research on selective fishing gear and practices and on the use of appropriate by-catch mitigation measures;

87. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement to give due consideration to participation, as appropriate, in subregional and regional instruments and organizations with mandates to conserve non-target species taken incidentally in fishing operations;

88. *Also encourages* States to strengthen, if necessary, the capacity of those subregional and regional fisheries management organizations and arrangements in which they participate to ensure the adequate conservation of non-target species

taken incidentally in fishing operations, taking into consideration best practices for non-target species management, and to expedite their ongoing efforts in this regard;

89. *Requests* States and regional fisheries management organizations and arrangements urgently to implement, as appropriate, the measures recommended in the 2004 Guidelines to Reduce Sea Turtle Mortality in Fishing Operations[23] and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries of the Food and Agriculture Organization of the United Nations[7] in order to prevent the decline of sea turtles and seabird populations by minimizing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by catch mitigation technology, and establishing and strengthening data-collection programmes to obtain standardized information to develop reliable estimates of the by-catch of these species;

90. *Also requests* States and regional fisheries management organizations and arrangements to take urgent action to reduce the by-catch of seabirds, including albatrosses and petrels, in fisheries by adopting and implementing conservation measures consistent with the 2009 Best Practice Technical Guidelines to support implementation of the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries of the Food and Agriculture Organization of the United Nations[24] and taking into account the work of the Agreement on the Conservation of Albatrosses and Petrels and of organizations such as the Commission for the Conservation of Antarctic Marine Living Resources;

IX
Subregional and regional cooperation

91. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention, the Agreement and other relevant instruments, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

92. *Also urges* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement, or to otherwise ensure that no vessel flying their flag is authorized to access the fisheries resources to which regional fisheries management organizations and arrangements or conservation and management measures established by such organizations or arrangements apply;

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[23] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on Sea Turtles Conservation and Fisheries, Bangkok, 29 November-2 December 2004*, FAO Fisheries Report No. 765 (FIRM/R765 (En)), appendix E.

[24] Available from www.fao.org/docrep/012/i1145e/i1145e00.pdf.

93. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention, the Agreement and the Code;

94. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stocks, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

95. *Urges* all signatory States and other States whose vessels fish within the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean[25] for fishery resources covered by that Convention to become parties to that Convention as a matter of priority and, in the interim, to ensure that vessels flying their flags fully comply with the measures adopted;

96. *Welcomes* the recent ratification of the South Indian Ocean Fisheries Agreement and encourages signatory States and States having a real interest to become parties to the South Indian Ocean Fisheries Agreement, and urges those States to agree on and implement interim measures, including measures in accordance with paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117, 119, 120, 122 and 123 of resolution 64/72, to ensure the conservation and management of the fisheries resources and their marine ecosystems and habitats in the area to which that Agreement applies until such time as that Agreement enters into force;

97. *Takes note* of recent efforts at the regional level to promote responsible fishing practices, including combating illegal, unreported and unregulated fishing;

98. *Welcomes* the recent ratifications of, and accession to the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and encourages further ratifications, accessions, acceptances and approvals of that Convention with a view to its early entry into force;

99. *Encourages* States, regional economic integration organizations and the entities referred to in article 1, paragraph 2 (b), of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean that participated in the negotiation of that Convention to fully implement the voluntary interim measures that have been adopted to give effect to paragraphs 80 and 83 to 87 of resolution 61/105, until that Convention has entered into force and conservation and management measures have been adopted;

100. *Also encourages* States, regional economic integration organizations and the entities referred to in article 1, paragraph 2 (b), of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean that participated in the negotiation of that Convention to fully implement the voluntary interim measures that have been adopted and to voluntarily restrain fishing effort and catches to avoid overexploitation of certain pelagic fisheries

[25] United Nations, *Treaty Series*, vol. 2221, No. 39489.

resources in the area to which that Convention will apply until it has entered into force and conservation and management measures have been adopted, and to take into account the scientific advice given by the Science Working Group in the adoption of future interim measures that should apply to certain pelagic fisheries resources before the entry into force of that Convention, and further calls for full and accurate reporting of catches in accordance with the interim measures;

101. *Notes with satisfaction* the conclusion of negotiations to establish a regional fisheries management organization in the North Pacific, and encourages participating States to implement fully interim voluntary measures adopted in accordance with paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117, 119, 120, 122 and 123 of resolution 64/72;

102. *Takes note* of the ongoing efforts of the members of the Indian Ocean Tuna Commission to strengthen the functioning of the Commission so that it can more effectively discharge its mandate, and invites the Food and Agriculture Organization of the United Nations to provide members of the Commission with the necessary assistance to this end;

103. *Encourages* signatory States and States having a real interest to become parties to the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention between the United States of America and the Republic of Costa Rica;

104. *Welcomes* the recent approval of the 2007 Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries[26] by some Contracting Parties to that Convention and encourages the Contracting Parties that have not yet done so to approve the Amendment with a view of its early coming into effect;

105. *Urges* further efforts by regional fisheries management organizations and arrangements, as a matter of priority, in accordance with international law, to strengthen and modernize their mandates and the measures adopted by such organizations or arrangements, and to implement modern approaches to fisheries management, as reflected in the Agreement and other relevant international instruments, relying on the best scientific information available and application of the precautionary approach and incorporating an ecosystem approach to fisheries management and biodiversity considerations, including the conservation and management of ecologically related and dependent species and protection of their habitats, where these aspects are lacking, to ensure that they effectively contribute to long-term conservation and management and sustainable use of marine living resources, and welcomes those regional fisheries management organizations and arrangements that have taken steps in this direction;

106. *Calls upon* regional fisheries management organizations with the competence to conserve and manage highly migratory fish stocks that have not yet adopted effective conservation and management measures in line with the best scientific information available to conserve and manage stocks falling under their mandate to do so urgently;

107. *Urges* States to strengthen and enhance cooperation among existing and developing regional fisheries management organizations and arrangements in which

[26] United Nations, *Treaty Series*, vol. 1135, No. 17799.

they participate, including increased communication and further coordination of measures, such as through the holding of joint consultations, and to strengthen integration, coordination and cooperation by such regional fisheries management organizations and arrangements with other relevant fisheries organizations, regional seas arrangements and other relevant international organizations;

108. *Also urges* the five regional fisheries management organizations with competence to manage highly migratory species to continue to take measures to implement the Course of Actions adopted at the second joint meeting of tuna regional fisheries management organizations and arrangements and to consider the recommendations of the third joint meeting of tuna regional fisheries management organizations and arrangements, held in La Jolla, United States of America, from 12 to 14 July 2011;

109. *Invites* States and regional fisheries management organizations and arrangements with competence to manage straddling fish stocks to share experiences and good practices, for example by considering organizing joint meetings, where appropriate;

110. *Urges* regional fisheries management organizations and arrangements to improve transparency and to ensure that their decision-making processes are fair and transparent, rely on the best scientific information available, incorporate the precautionary approach and ecosystem approaches, address participatory rights, including through, inter alia, the development of transparent criteria for allocating fishing opportunities which reflects, where appropriate, the relevant provisions of the Agreement, taking due account, inter alia, of the status of the relevant stocks and the respective interests in the fishery;

111. *Welcomes* the 2010 performance review of the South East Atlantic Fisheries Organization and the 2011 performance review of the Northwest Atlantic Fisheries Organization and the fact that a number of regional fisheries management organizations and arrangements have completed performance reviews, and encourages the implementation, as appropriate, of the recommendations of their respective reviews as a matter of priority;

112. *Urges* States, through their participation in regional fisheries management organizations and arrangements that have not done so, to undertake, on an urgent basis, performance reviews of those regional fisheries management organizations and arrangements, initiated either by the organization or arrangement itself or with external partners, including in cooperation with the Food and Agriculture Organization of the United Nations, using transparent criteria based on the provisions of the Agreement and other relevant instruments, and taking into account the best practices of regional fisheries management organizations or arrangements and, as appropriate, any set of criteria developed by States or other regional fisheries management organizations or arrangements, and encourages that such performance reviews include some element of independent evaluation and propose means for improving the functioning of the regional fisheries management organization or arrangement, as appropriate;

113. *Encourages* regional fisheries management organizations and arrangements to make the results of those performance reviews publicly available and to discuss the results jointly and furthermore to consider undertaking performance reviews on a regular basis;

114. *Urges* States to cooperate, taking into account those performance reviews, to develop best practice guidelines for regional fisheries management organizations and arrangements and to apply, to the extent possible, those guidelines to organizations and arrangements in which they participate;

115. *Encourages* the development of regional guidelines for States to use in establishing sanctions for non-compliance by vessels flying their flag and by their nationals, to be applied in accordance with national law, that are adequate in severity for effectively securing compliance, deterring further violations and depriving offenders of the benefits deriving from their illegal activities, as well as in evaluating their systems of sanctions to ensure that they are effective in securing compliance and deterring violations;

X
Responsible fisheries in the marine ecosystem

116. *Urges* States, individually or through regional fisheries management organizations and arrangements, to enhance their efforts to apply an ecosystem approach to fisheries, taking into account paragraph 30 (*d*) of the Johannesburg Plan of Implementation;[15]

117. *Encourages* States, individually or through regional fisheries management organizations and arrangements and other relevant international organizations, to work to ensure that fisheries and other ecosystem data collection is performed in a coordinated and integrated manner, facilitating incorporation into global observation initiatives, where appropriate;

118. *Calls upon* States and regional fisheries management organizations or arrangements, working in cooperation with other relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to adopt, as appropriate, measures to protect ocean data buoy systems moored in areas beyond national jurisdiction from actions that impair their operation;

119. *Encourages* States to increase scientific research on the marine ecosystem in accordance with international law;

120. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects, and in this regard encourages the implementation of the 2007 Strategy and Outline Plan for Improving Information on Status and Trends of Aquaculture of the Food and Agriculture Organization of the United Nations,[27] as a framework for the improvement and understanding of aquaculture status and trends;

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[27] Food and Agriculture Organization of the United Nations, *Decisions and Recommendations of the Third Session of the Sub-Committee on Aquaculture, Twenty-seventh Session of the Committee on Fisheries, Rome, 5-9 March 2007* (COFI/2007/5), appendix.

121. *Also calls upon* States to take action immediately, individually and through regional fisheries management organizations and arrangements, and consistent with the precautionary approach and ecosystem approaches, to continue implementing the 2008 International Guidelines for the Management of Deep Sea Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations ("the Guidelines")[28] in order to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices, recognizing the immense importance and value of deep sea ecosystems and the biodiversity they contain;

122. *Reaffirms* the importance of paragraphs 80 to 90 of its resolution 61/105 and paragraphs 113 to 127 of its resolution 64/72 addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks and the actions called for in those resolutions, and emphasizes the need for full implementation by all States and relevant regional fisheries management organizations and arrangements of their commitments under those paragraphs on an urgent basis;

123. *Recalls* that nothing in the paragraphs of its resolutions 61/105 and 64/72 and the present resolution addressing the impacts of bottom fishing on vulnerable marine ecosystems prejudices the sovereign rights of coastal States over their continental shelf or the exercise of the jurisdiction of coastal States with respect to their continental shelf under international law as reflected in the Convention, in particular article 77;

124. *Notes in this regard* the adoption by coastal States of conservation measures regarding their continental shelf to address the impacts of bottom fishing on vulnerable marine ecosystems, as well as their efforts to ensure compliance with those measures;

125. *Welcomes* the important progress made by States, regional fisheries management organizations and arrangements and those States participating in negotiations in establishing a regional fisheries management organization or arrangement competent to regulate bottom fisheries to implement paragraphs 80 and 83 to 87 of its resolution 61/105 and paragraphs 113, 117 and 119 to 124 of its resolution 64/72 and address the impacts of bottom fishing on vulnerable marine ecosystems;

126. *Also welcomes* the substantial ongoing work of the Food and Agriculture Organization of the United Nations related to the management of deep sea fisheries in the high seas and the protection of vulnerable marine ecosystems, and urges States and regional fisheries management organizations and arrangements to ensure that their actions in sustainably managing deep sea fisheries and implementing paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 119, 120 and 122 to 124 of resolution 64/72 are consistent with the Guidelines;

127. *Takes note* of the report of the Food and Agriculture Organization of the United Nations Workshop on the Implementation of the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas —

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[28] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on International Guidelines for the Management of Deep Sea Fisheries in the High Seas, Rome, 4-8 February and 25-29 August 2008*, FAO Fisheries and Aquaculture Report No. 881 (FIEP/R881 (Tri)), appendix F.

Challenges and Ways Forward, held in Busan, Republic of Korea, from 10 to 12 May 2010;

128. *Welcomes* the convening by the Secretary-General, pursuant to paragraph 128 of resolution 64/72, of the Workshop to discuss implementation of paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 117 and 119 to 127 of resolution 64/72, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks, held in New York on 15 and 16 September 2011;

129. *Considers*, on the basis of the review carried out in accordance with paragraph 129 of resolution 64/72, that despite the progress made, the urgent actions called for in the relevant paragraphs of 61/105 and 64/72 have not been fully implemented in all cases, and in this regard further actions in accordance with the precautionary approach, ecosystem approaches and international law and consistent with the Guidelines are needed to strengthen the continued implementation and, in this regard, calls upon States, through regional fisheries management organizations and arrangements with the competence to regulate bottom fisheries, States participating in negotiations to establish such organizations or arrangements, and flag States to take the following urgent actions regarding bottom fishing in areas beyond national jurisdiction:

(a) Strengthen procedures both for carrying out assessments to take into account individual, collective and cumulative impacts, and for making the assessments publicly available, recognizing that doing so can support transparency and capacity-building globally;

(b) Establish and improve procedures to ensure that assessments are updated when new conditions or information so require;

(c) Establish and improve procedures for evaluating, reviewing and revising, on a regular basis, assessments based on best available science and management measures;

(d) Establish mechanisms to promote and enhance compliance with applicable measures related to the protection of vulnerable marine ecosystems, adopted in accordance with international law;

130. *Notes* that not all impact assessments have been made publicly available, and calls upon States, consistent with domestic law, and regional fisheries management organizations and arrangements to publish all assessments without delay;

131. *Recognizes* that different types of marine scientific research, including seabed mapping carried out in different parts of the oceans, has resulted in identification of areas where vulnerable marine ecosystems occur and in the adoption of conservation and management measures to prevent significant adverse impacts on such ecosystems, including the closure of areas to bottom fishing in accordance with paragraph 119 (b) of resolution 64/72;

132. *Encourages* in this regard regional fisheries management organizations and arrangements with the competence to manage bottom fisheries, States participating in negotiations to establish such organizations or arrangements and flag States to consider the results available from marine scientific research, including those obtained from seabed mapping programmes concerning the

identification of areas containing vulnerable marine ecosystems and to adopt conservation and management measures to prevent significant adverse impacts from bottom fishing on such ecosystems consistent with the Guidelines or to close such areas to bottom fishing until such conservation and management measures are adopted, as well as to continue to undertake further marine scientific research, for the above-mentioned purposes, in accordance with international law as reflected in Part XIII of the Convention;

133. *Also encourages* States, regional fisheries management organizations and arrangements and States participating in negotiations to establish such organizations or arrangements to undertake further research on deep-sea species and ecosystems and on the assessments of fishing activities on target and non-target species, consistent with the Guidelines and in accordance with the Convention, including Part XIII of the Convention;

134. *Recognizes in particular* the special circumstances and requirements of developing States and the specific challenges they may face in giving full effect to certain technical aspects of the Guidelines, and that implementation by such States of paragraphs 83 to 87 of resolution 61/105, paragraph 119 of resolution 64/72, paragraph 129 of the present resolution and the Guidelines should proceed in a manner that gives full consideration to section 6 of the Guidelines on special requirements of developing countries;

135. *Invites* the Food and Agriculture Organization of the United Nations, in facilitating implementation by States and regional fisheries management organizations and arrangements of the Guidelines, to consider undertaking the following work as part of its ongoing programme for deep sea fisheries:

(a) Compile, clarify the use of and make available technical guidance on encounter protocols and related mitigation measures, including encounter thresholds and move-on distances;

(b) Develop guidance on the application of criteria for identifying vulnerable marine ecosystems contained in the Guidelines;

(c) Develop guidance for conducting assessments, including addressing risk assessment on individual, collective and cumulative impacts, and to promote better standardization of such assessments;

(d) Support and facilitate work on deep-sea high seas stock assessments to ensure that such fisheries are sustainable;

(e) Continue its work in creating a global database on information on vulnerable marine ecosystems;

136. *Further invites* the Food and Agriculture Organization of the United Nations to consider convening a meeting of scientists from regional fisheries management organizations and arrangements with the competence to manage bottom fishing, and States, to examine impact assessments in order to propose best practices, as well as standards for implementation of such assessments, including addressing risk assessment;

137. *Decides* to conduct a further review in 2015 of the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 117 and 119 to 127 of resolution 64/72 and paragraphs 121, 126 and 129 to

136 of the present resolution, with a view to ensuring effective implementation of the measures and to make further recommendations, where necessary;

138. *Encourages* accelerated progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes, and in this regard welcomes the proposed work of the Food and Agriculture Organization of the United Nations to develop technical guidelines in accordance with the Convention and the Code on the design, implementation and testing of marine protected areas for such purposes, and urges coordination and cooperation among all relevant international organizations and bodies;

139. *Notes in this regard* the adoption by the tenth meeting of the Conference of Parties of the Convention on Biological Diversity in 2010 of a new Strategic Plan for Biodiversity 2011-2020;

140. *Urges* all States to implement the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[29] and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

141. *Acknowledges* the serious environmental impacts on the marine environment caused by abandoned, lost or otherwise discarded fishing gear and encourages States to take action to reduce such gear, noting the recommendations of the 2009 report by the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations;[30]

142. *Reaffirms* the importance it attaches to paragraphs 77 to 81 of resolution 60/31 of 29 November 2005 concerning the issue of lost, abandoned or discarded fishing gear and related marine debris and the adverse impacts such debris and derelict fishing gear have on, inter alia, fish stocks, habitats and other marine species, and urges accelerated progress by States and regional fisheries management organizations and arrangements in implementing those paragraphs of the resolution;

143. *Encourages* further studies, including by the Food and Agriculture Organization of the United Nations, on the impacts of underwater noise on fish stocks and fishing catch rates, as well as associated socio-economic effects;

144. *Calls upon* States, including through regional fisheries management organizations and arrangements, to play an active role in global efforts to conserve and sustainably use marine living resources, so as to contribute to marine biological diversity;

145. *Encourages* States, either individually or through regional fisheries management organizations and arrangements, as appropriate, to identify any spawning and nursery areas for fish stocks under their jurisdiction or competence and, where required, to adopt science-based measures to conserve such stocks during these critical life stages;

XI
Capacity-building

146. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant subregional and regional organizations, and by

[29] See A/51/116, annex II.

[30] Available from www.fao.org/docrep/011/i0620e/i0620e00.htm.

other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCode programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and its associated international plans of action,[7] to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

147. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, and encourages studies for creating possible alternative livelihoods for coastal communities;

148. *Encourages* increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability, in recognition of the fact that food security and livelihoods may depend on fisheries;

149. *Also encourages* the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in authorized fisheries activities being undertaken within areas under their national jurisdiction, in accordance with the Convention, by distant-water fishing nations in order to achieve better economic returns for developing countries from their fisheries resources within areas under their national jurisdiction and an enhanced role in regional fisheries management, as well as by enhancing the ability of developing countries to develop their own fisheries, as well as to participate in high seas fisheries, including access to such fisheries, in conformity with international law, in particular the Convention and the Agreement, and taking into account article 5 of the Code;

150. *Requests* distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis, and to take into account their legitimate expectation to fully benefit from the sustainable use of the natural resources of their exclusive economic zones, ensure that vessels flying their flag comply with the laws and regulations of the developing coastal States adopted in accordance with international law, and to give greater attention to fish processing and fish-processing facilities within the national jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources, and also to the transfer of technology and assistance for monitoring, control and surveillance and compliance and enforcement within areas under the national jurisdiction of the developing coastal State providing fisheries access, taking into account the forms of cooperation set out in article 25 of the Agreement and article 5 of the Code;

151. *Encourages* States, individually and through regional fisheries management organizations and arrangements, to provide greater assistance and to promote coherence in such assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the conservation and sustainable management of fish stocks, including in designing and strengthening their domestic regulatory fisheries policies and those of regional fisheries management organizations or arrangements in their regions, and the

enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the FishCode programme, the World Bank's global programme on fisheries and the Global Environment Facility;

152. *Also encourages* States to provide technical and financial support to developing countries to address their special requirements and challenges in implementing the Guidelines;

153. *Calls upon* States to promote, through continuing dialogue and the assistance and cooperation provided in accordance with articles 24 to 26 of the Agreement, further ratifications of, or accessions to the Agreement by seeking to address, inter alia, the issue of lack of capacity and resources that might stand in the way of developing States becoming parties;

154. *Notes with appreciation* the compilation prepared by the Secretariat of the needs of developing States for capacity-building and assistance in the conservation and management of straddling fish stocks and highly migratory fish stocks and the sources of available assistance for developing States to address such needs;[31]

155. *Encourages* States, regional fisheries management organizations and arrangements and other relevant bodies to assist developing States in the implementation of the actions called for in paragraphs 80 and 83 to 87 of resolution 61/105 and paragraphs 113, 117 and 119 to 124 of resolution 64/72;

156. *Urges* States and regional economic integration organizations, individually and through regional fisheries management organizations and arrangements, to mainstream efforts to assist developing States, in particular the least developed and small island developing States, with other relevant international development strategies with a view to enhancing international coordination to enable them to develop their national capacity to exploit fishery resources, consistent with the duty to ensure the conservation and management of those resources, and in this regard requests the Secretary-General to fully mobilize and coordinate the agencies, funds and programmes of the United Nations system, including at the level of the regional economic commissions, within their respective mandates;

157. *Requests* States and regional fisheries management organizations to develop strategies to further assist developing States, in particular the least developed and small island developing States, in fully realizing the benefits from the catch of straddling fish stocks and highly migratory fish stocks and in strengthening regional efforts to sustainably conserve and manage such stocks, and in this regard, to make available such information;

XII
Cooperation within the United Nations system

158. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and

[31] Available from www.un.org/depts/los/convention_agreements/fishstocksmeetings/compilation2009updated.pdf.

compliance capabilities for regional fisheries management organizations and their member States;

159. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

XIII
Activities of the Division for Ocean Affairs and the Law of the Sea

160. *Expresses its appreciation* to the Secretary-General for the report on the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 80 and 83 to 87 of General Assembly resolution 61/105 and paragraphs 113 to 117 and 119 to 127 of General Assembly resolution 64/72 on sustainable fisheries, addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

161. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention, the Agreement and by the related resolutions of the General Assembly and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XIV
Sixty-seventh session of the General Assembly

162. *Requests* the Secretary-General to bring the present resolution to the attention of all States, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, subregional and regional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

163. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, subregional and regional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

164. *Notes the desire* to further improve the efficiency of, and the effective participation of delegations in, the informal consultations concerning the annual General Assembly resolution on sustainable fisheries, decides that the informal consultations on this resolution will be held in a single round of consultations in November for a period of six days, and invites States to submit text proposals for inclusion in the resolution to the Coordinator of the informal consultations no later than four weeks before the start of the consultations;

165. *Decides* to include in the provisional agenda of its sixty-seventh session, under the item entitled "Oceans and the law of the sea", the sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", and to consider the possibility of including this sub-item in future provisional agendas on a biennial basis.